REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 6, 9 and 20 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-22 are now pending in this application.

On December 7, 2007, Applicant submitted an Amendment After Final Rejection under 37 C.F.R. §1.116, in which it attempted to amend claims 1, 6, 9 and 20. On December 28, 2007, the Examiner issued an Advisory Action, noting that the amendments were not to be entered because the amendments raised new issues.

In view of the December 28, 2007 Advisory Action, Applicant is resubmitting its prior amendments and arguments along with a Request for Continued Examination. Applicant respectfully requests that these amendments and arguments be considered at this time.

In the September 7, 2007 Office Action, the Examiner continued to reject claims 1-17 and 19-22 under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2006/0031768 (Shah et al.) In making these rejections, the Examiner has taken the position that all the features in the claims can be found in Shah et al. The Examiner also asserted that claim 18 was rejected under 35 U.S.C. §103(a) based upon Shah et al. and what was known in the art.

In response to the Examiner's rejections and in order to more clearly differentiate the relevant features of claims 1-19 relative to the prior art, Applicant has amended each of independent claims 1, 6, 9, 20 to more particularly describe each virtual device at issue as

including the data of the respective corresponding physical device. This feature is described, for example, at paragraph [0032] of the present application, where it is discussed that "the system 20 automatically maintains a copy of the data of every device of the user in the network." This feature is further described, for example, at paragraph [0038], where it is discussed that "the virtual device can be a complete object, sharing an exact copy of the data in the physical device." In other words, each of the independent claims, as amended, explicitly requires that the virtual device include the data, i.e., all of the data, that is present on the respective corresponding physical device. By including the data of the physical device on the virtual device, including, for example, device service information and personalization information (as discussed in paragraph [0007] of the present application) a user is more easily able to preserve and synchronize important information which would typically not be stored on other types of memories such as memory and other physical memory devices.

In contrast, Shah et al. neither teaches nor even suggests storing *the data* of physical devices on corresponding virtual devices. Instead, Shah et al. only displays generic representations of individual devices, components or programs, without actually storing the data of the underlying physical device within the virtual domain. This is noted, for example, in the abstract of Shah et al., where it is discussed that "multiple product icons are displayed representing products (hardware and/or programs) available for use in the client system. This theme is echoed throughout Shah et al., with repeated references to providing only graphical representations on the virtual domain, without discussing the underlying data that is being used.

In rejecting the claims, the Examiner relied, for example, on paragraphs [0017] and [0019] for the proposition that Shah et al. teaches the use of virtual devices. However, neither of these sections nor any other portion of Shah et al. teaches such virtual devices as including the data of the underlying physical device. For example, paragraph [0017] only teaches the feature of having a plurality of product icons being displayed, with these product icons representing products available for use in the client system. Although these product icons may be based upon the configuration of the underlying devices, there is no mention anywhere in this section of actually including the underlying data from the physical device in a virtual device on a virtual domain. Likewise, paragraph [0019] only teaches the

representation of product icons, without any discussion whatsoever of the underlying data for the corresponding physical device. In fact, paragraph [0019] is clear that the data to be stored in Shah et al. is stored on the physical device, *not* its virtual counterpart:

> Thus, for example, the user may drag and drop a program icon from the palette onto or proximate to a device icon in the configuration diagram, thereby indicating that program is to be stored and/or executed on the device corresponding to the device icon. (emphasis added)

In other words, this section of Shah et al. teaches that it is only a graphical representation of a program which appears in a configuration diagram. The actual underlying data is stored on the actual device, and *not* its virtual counterpart.

Referring to other sections of Shah et al. relied upon by the Examiner, these sections also fail to teach the inclusion of the data of the physical devices within their corresponding virtual devices. For example, paragraphs [0155] and [0156] (used by the Examiner to reject claim 9) does nothing more then describe the fact that device icons can have an appearance that corresponds to the device that they represent, with additional information representing relationships between devices also potentially being depicted. Once again, however, this section is silent as to the underlying data from the physical device. Similarly, paragraph [0394] (also used to reject claim 9) only teaches the use of "help" information that may be accessible by the user within a domain. In fact, this theme runs through the entirety of Shah et al., which makes it clear that this reference is directed only to the graphical representation of icons corresponding to devices, components and programs. Without the actual data of the physical devices being contained within their virtual device counterparts, the pending independent claims cannot be anticipated by Shah et al.

Furthermore, Applicant submits that, based on the teachings of Shah et al., it would not have been obvious to one skilled in the art to include the data of the physical devices on their respective virtual counterparts. In particular, Applicant notes that Shah et al. is directed primarily to a system and method by which a user is capable of selecting and purchasing software products (e.g., from a third party). For example, paragraph [0018] of Shah et al. discusses how icons for various products available for purchase are graphically depicted to a

user, with the user being able to purchase the product by performing actions such as "dragging the icon towards a configuration diagram representing the user's device." As noted in paragraph [0019] however, such an action is used to indicate that "the program is to be stored and/or executed on the device corresponding to the device icon." (emphasis added). In other words, paragraph [0019] of Shah et al. provides a clear teaching that the data of the product or program being purchased is not stored on the virtual device, but is instead stored on the actual device at issue. Based on such a clear teaching, one skilled in the art would not be motivated to include a copy of the data within a virtual device configuration.

For the above reasons, Applicant submits that, unless the Examiner can point with particularity where it is taught in Shah et al. that a virtual device includes *the data* of the corresponding physical device, and not simply graphical representations of individual programs or products, each of independent claims 1, 6, 9 and 20 and their respective claims are patentable over Shah et al.

Lastly, although Applicant believes that each of the pending claims are patentable over Shah et al. for the reasons discussed above, Applicant submits that a number of the dependent claims are also separately patentable for their own reasons. For example, in rejecting claim 4, the Examiner asserted that Shah et al. teaches that the settings as comprising configuration and personal settings. However, paragraph [0546], which was relied upon by the Examiner, does not teach the storing configuration and personal settings for the virtual device. Instead, paragraph [0546] only discusses vendor information, with this information relating to configurations and settings information for the vendor, not the virtual device. The first sentence of this paragraph makes this point clear, where it is noted that "in one embodiment, the selected configuration diagram may include vendor information indicating one or more vendors able to configure a solution in accordance with the selected configuration diagram." (emphasis added). Configuration settings for the virtual device are simply not discussed.

Additionally, the Examiner's rejection of claim 15 based on Shah et al. likewise is without merit. In particular, claim 15 requires that the physical devices communicate data to the virtual devices to provide a backup of the data. To support his position, the Examiner

relied upon paragraphs [0441] and [0422] of Shah et al. However, paragraph [0411] is clear that the "copying and pasting" of settings discussed in this section involves copying the settings directly from a first physical device to a second device. The virtual devices at issue only provide a graphical interface for such copying; there is no teaching or suggestion that the actual settings are copied to the virtual device. Similarly, paragraph [0422] only discusses the copying and/or sharing of information among multiple physical devices, once again without suggesting that the underlying data be copied to a virtual device.

For the above reasons, Applicant submits that the dependent claims discussed above are also patentable over Shah et al.[1]

Lastly, Applicant has amended each of the independent claims to remove the term "automatically" therefrom, as Applicant submits that this term is not needed to patentably define these claims over the cited prior art. If the Examiner has any questions concerning this issue, he is encouraged to contact the undersigned at his earliest convenience.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for

[1] Applicant fully reserves the right to individually address the merits of the Examiner's rejections of the other dependent claims at a later time.

such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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